IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 1051 of 2007

CRIME NO. 127/2007 OF KASARGOD POLICE STATION

PETITIONERS/ACCUSED1-5

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1. SHAFI,S/O.MOHAMMED,KAMBAR,KUDLU,
   BADIADKA P.O.

2. MANAF,S/O.MOHAMMED,KAMBAR,KUDLU,
   KADIADKA.

3. KABIR,S/O.ABDULRAHIMAN,
   KAMBAR,KUDLU,BADIADKA P.O.

4. JALEEL, S/O.YOUSUF,
   KAMBAR,KUDLU,BADIADKA P.O.

5. ABDULLA KUNHI, S/O.MOHAMMED,
   KAMBAR,KUDLU,BADIADKA P.O.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: RESPONDETNS/COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE, KASARGOD
   POLICE STATION.

2. STATE REP.BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1051/2007

Dated this 23rd day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C., the petitioners who are the accused 1 to 5 in Crime No. 127/2007 of Kasaragode Police Station for offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 IPC read with Section 149 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The prosecution case is that on 6.2.2007 at 7.30 p.m., about 50 person including the petitioners criminally trespassed in the courtyard of the defacto complainant and attacked him. The defacto complainant sustained injuries with an iron rod by A1.

4. While I am inclined to grant anticipatory bail to accused 2 to 5, I am not inclined to grant anticipatory bail to the first accused who will surrender before the Investigating Officer and seek regular bail.

5. Accordingly, a direction is issued to the Investigating Officer to release accused Nos. 2 to 5 on bail for a period of one month, on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the Investigating Officer and subject to the following conditions:

(a). The petitioners (accused Nos. 2 to 5) shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners (accused Nos. 2 to 5) shall make themselves available for interrogation as and when required by the Investigating Officer.

(c). The petitioners (accused Nos.2 to 5) shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). The petitioners (accused Nos. 2 to 5) shall not commit any offence while on bail.

(e). The Petitioners (accused Nos. 2 to 5) shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

(f). Accused Nos. 2 and 4 shall surrender their passport to the Investigating Officer who shall forward the same to the Magistrate concerned.

6. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

7. The first accused is directed to surrender before the Investigating Officer on any day between 27.2.2007 and 1.3.2007 for the purpose of interrogation and recovery of incriminating material if any. Thereafter, he shall be produced on the same day before the Magistrate who shall release him on bail on

appropriate conditions including one directing him to surrender his passport.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs